



# PUBLIC NOTICE

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**Federal Communications Commission  
1919 M St., N.W.  
Washington, D.C. 20554**

**DA 98-833  
May 1, 1998**

**In the Matter of Application of Skybridge L.L.C. for Authority to  
Launch and Operate the Skybridge System and Its Requested  
Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation  
of NGSO FSS Systems Co-frequency with GSO and Terrestrial Systems  
in the Ku Band and to Establish Technical Rules Governing  
NGSO FSS Operations in this Band.**

On February 28, 1997, Skybridge L.L.C. ("Skybridge") filed a license application ("Skybridge application") with the Commission to operate a non-geostationary orbit ("NGSO") Fixed Satellite Service ("FSS") system on various frequencies within the Ku band. Subsequently, on July 3, 1997, Skybridge amended its application to request that its NGSO FSS system be allowed to operate in the United States on a co-primary basis with geostationary orbit ("GSO") satellite systems and terrestrial systems in the 10.7-12.7 GHz, 12.75-13.25 GHz, 13.75-14.5 GHz, and 17.3-17.8 GHz bands. *See* 48-SAT-P/LA-97 and 89-SAT-AMEND-97. Additionally, on July 3, 1997, Skybridge filed a Petition for Rulemaking ("Petition") to permit such NGSO FSS operations. *See* RM-9147. The Commission released the Skybridge application and Petition for public comment, and oppositions were filed regarding both by various parties.

In as much as the Skybridge application is an adjudicative licensing proceeding, it is generally restricted under the Commission's *ex parte* rules. *See* 47 C.F.R. §§ 1.1202(d) and 1.1208. The Petition, however, is a exempt proceeding under the *ex parte* rules. 47 C.F.R. § 1.1204.

The Skybridge application raises complex technical, legal and policy issues, making it essential that the Commission obtain the most current information available, subject to appropriate procedural safeguards. In order to assist the Commission in developing a complete record on which a well-reasoned decision can be made, the *ex parte* procedures for the Skybridge application are hereby modified. The Skybridge application shall be treated on a non-restricted, permit-but-disclose, basis. 47 C.F.R. §§ 1.1200(a), 1.1206 and 1.1208 Note 2. Moreover, many of the legal and policy issues in the Skybridge application and the Petition are interrelated. Thus, to reduce possible confusion and ensure that consistent rules apply in these two proceedings, we

also hereby modify the *ex parte* procedures for the Skybridge Petition. The Petition will also be treated on a non-restricted, permit-but-disclose basis for *ex parte* purposes. 47 C.F.R. § 1.1200(a).

Accordingly, effective May 1, 1998, *ex parte* presentations relating to the Skybridge application or Petition are subject to the disclosure requirements set forth in Section 1.1206 of the Commission's rules. 47 C.F.R. § 1.1206.

Finally, we note that parties to this proceeding have already discussed expediting Skybridge's application with various Commission staff. Consistent with our reasoning above, however, we conclude that such discussions fall within the scope of the exemption to the *ex parte* rules as defined by Section 1.1204(a)(11). As such, we direct all parties to file the appropriate materials with the Commission and to serve all other parties in the proceeding with a copy of those materials as soon as possible. *See* 47 C.F.R. § 1.1204(a)(11).

This action is taken pursuant to authority found in Sections 4 (i) and 303 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154 (i) and 303; and pursuant to Sections 0.31, 0.241, 0.261 and 1.1200(a) of the Commission's Rules. *See* 47 C.F.R. §§ 0.31, 0.241, 0.261 and 1.1200(a). For further information contact Tom Derenge in the Office of Engineering and Technology (202) 418-2451; David Wye in the Wireless Telecommunications Bureau (202) 418-0600; and Julie Garcia and Kim Baum in the International Bureau (202) 418-0420.

By the Chief, International Bureau and Chief, Office of Engineering and Technology